



CITY OF DESERT HOT SPRINGS

REGULAR MEETING OF THE PLANNING COMMISSION

DRAFT ACTION MINUTES

OCTOBER 8, 2019

6:00 PM

**CITY COUNCIL CHAMBERS
CARL MAY COMMUNITY CENTER
11711 West Drive, Desert Hot Springs, California**

CALL TO ORDER

Chairman Buchanan called the meeting to order at 6:00 P.M.

SWEARING-IN OF NEW PLANNING COMMISSIONERS

Rebecca Deming, Community Development Director, administered the Oath to new Commissioners Agustin Aragon and Dawn Griffiths.

ROLL CALL

Present:

Chairman: Larry Buchanan

Commissioners: James Nindel, Richard Duffle, Agustin Aragon, Dawn Griffiths

PLEDGE OF ALLEGIANCE

Chairman Buchanan led the pledge of allegiance.

SELECTION OF VICE-CHAIR

Action: Chairman Buchanan moved to nominate Commissioner Nindel as Vice-Chair of the Planning Commission, motion seconded by Duffle, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
Passed NOES: 0 - (None)

APPROVAL OF THE AGENDA

Action: Duffle moved to approve the October 8, 2019 regular meeting agenda, motion seconded by Nindel, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Buchanan, Nindel, Duffle
Passed NOES: 0 - (None)
ABSTAIN: 2 - Aragon, Griffiths

MINUTES

Planning Commission Regular Meeting Minutes: September 10, 2019

City Clerk, Jerryl Soriano

Recommendation: Approve minutes as submitted; or as corrected.

Action: Duffle moved to approve the September 10, 2019 regular meeting minutes as presented, motion seconded by Nindel, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Buchanan, Nindel, Duffle
Passed NOES: 0 - (None)
ABSTAIN: 2 - Aragon, Griffiths

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS

1. Request for a one-year Extension of Time for Conditional Use Permit No. 13-16 for the Ocean Springs Tech cannabis cultivation project located at 65145 Two Bunch Palms Trail.

Community Development Director, Rebecca Deming

Recommendation: 1) Staff Report;
2) Questions of Staff from Planning Commission;
3) Open the Public Hearing;
4) Take Testimony from Applicant;
5) Questions for the Applicant;
6) Take Public Testimony;
7) Opportunity for Applicant Rebuttal;
8) Close the Public Hearing;
9) Planning Commission discussion and questions to Staff;
and
10) Staff recommends Planning Commission to approve a one-year extension of time for Conditional Use Permit No. 13-16, subject to the proposed Conditions of Approval.

Scott Taschner, Senior Planner, presented the staff report and responded to questions.

Chairman Buchanan opened the Public Hearing.

Armando Rodriguez, Applicant, provided his testimony.

There was no public testimony.

Chairman Buchanan closed the Public Hearing.

Action: Aragon moved to approve staff recommendation, motion seconded by Nindel, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
Passed NOES: 0 - (None)

2. Request for a one-year Extension of Time for Conditional Use Permit No. 30-16 for the Cannavision, LLC project located on the south side of Two Bunch Palms Trail, approximately 1,200 feet east of Little Morongo Road.

Community Development Director, Rebecca Deming

Recommendation: 1) Staff Report;
2) Entertain Questions of Staff from Planning Commission;
3) Open the Public Hearing;
4) Take Testimony from Applicant;
5) Take Public Testimony;
6) Opportunity for Applicant Rebuttal;
7) Close the Public Hearing;
8) Planning Commission discussion and questions to Staff;
and
9) Recommendation from staff that the Planning Commission take action for the Cannavision, LLC approval of a one-year extension of time for Conditional Use Permit No. 30-16, the project located on the south side of Two Bunch Palms Trail, approximately 1,200 feet east of Little Morongo Road in the I-L (Light Industrial) District. APN: 665-030-055.

Patricia Villagomez, Planning Technician, presented the staff report and responded to questions.

Rebecca Deming, Community Development Director, responded to parking concerns.

Chairman Buchanan opened the Public Hearing.

Martin Carreon, resident, provided his testimony.

Lynn Huffman, resident, provided his testimony.

Chairman Buchanan closed the Public Hearing.

Action: Duffle moved to approve staff recommendation, motion seconded by Griffiths, motion carried 5/0 by the following vote:

Vote:
Passed

AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
NOES: 0 - (None)

3. Request for a one-year Extension of Time for Conditional Use Permit No. 30-17 for the Rx DHS Herbery II Project located at 65090 San Jacinto Lane.

Community Development Director, Rebecca Deming

Recommendation: 1) Staff Report;
2) Entertain Questions of Staff from Planning Commission;
3) Open the Public Hearing;
4) Take Testimony from Applicant;
5) Take Public Testimony;
6) Opportunity for Applicant Rebuttal;
7) Close the Public Hearing;
8) Planning Commission discussion and questions to Staff;
and
9) Recommendation from staff that the Planning Commission take two actions for the Desert Harvest Project to approve a one-year extension of time for Conditional Use Permit No. 30-17 for the project located at 65090 San Jacinto Lane in the I-L (Light Industrial) District. APN: 665-030-016.

Patricia Villagomez, Planning Technician, presented the staff report and responded to questions.

Chairman Buchanan opened the Public Hearing.

There was no public testimony.

Chairman Buchanan closed the Public Hearing.

It was noted that the recommendation from staff should be corrected to reflect only one action be taken by the Planning Commission.

Action: Duffle moved to approve staff recommendation, motion seconded by Nindel, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
Passed NOES: 0 - (None)

4. Request for a one-year Extension of Time for Conditional Use Permit No. 16-17 for the DHS Development Cabot Road, LLC Project located at the northeast corner of Cabot Road and San Gorgonio Lane.

Community Development Director, Rebecca Deming

Recommendation: 1) Staff Report;
2) Entertain Questions of Staff from Planning Commission;
3) Open the Public Hearing;
4) Take Testimony from Applicant;
5) Take Public Testimony;
6) Opportunity for Applicant Rebuttal;

- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff;
and
- 9) Recommendation from staff that the Planning Commission take two actions for the Desert Harvest Project approve a one-year extension of time for Conditional Use Permit No. 16-17 for the project located at the northeast corner of Cabot Road and San Gorgonio Lane in the I-L (Light Industrial) District. APN: 665-030-048

Patricia Villagomez, Planning Technician, presented the staff report and responded to questions.

Chairman Buchanan opened the Public Hearing.

Chris Brizuela, representing the applicant, provided his testimony.

There was no public testimony.

Chairman Buchanan closed the Public Hearing.

Action: Duffle moved to approve staff recommendation, motion seconded by Aragon, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
Passed NOES: 0 - (None)

5. Request for a one-year Extension of Time for Conditional Use Permit No. 15-17 and Tentative Parcel Map 37323 for Hot Desert Springs, LLC project located on the east side of Little Morongo Road, North of Two Bunch Palms Trail.

Community Development Director, Rebecca Deming

Recommendation:

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff;
and
- 9) Recommendation from staff that the Planning Commission take two actions for the Hot Desert Springs, LLC (1) approve a one-year extension of time for Conditional Use Permit No. 15-17 & (2) approve a one-year extension of time for Tentative Parcel Map 37323 for the project located on the east side of Little Morongo Road, North of Two Bunch Palms Trail in the I-L (Light Industrial) District. APN: 663-280-005

Chairman Buchanan opened the Public Hearing.

Chris Brizuela, representing the applicant, presented his testimony.

There was no public testimony.

Chairman Buchanan closed the Public Hearing.

Action: Nindel moved to approve staff recommendation, motion seconded by Griffiths, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
Passed NOES: 0 - (None)

6. Request for a one-year Time Extension for Conditional Use Permit No. 13-17 and Tentative Parcel Map 37322 for the Innovative Investment Company, LLC Marijuana Facility Project located on the northeast corner of Little Morongo Road and San Gorgonio Lane (unimproved).

Community Development Director

Recommendation: Recommendation from staff that the Planning Commission approve a one-year extension of time for Conditional Use Permit No. 13-17 and Tentative Parcel Map 37322 for condominium purposes for the Marijuana Facility Project located at the northeast corner of Little Morongo Road and San Gorgonio Lane (unimproved) in the I-L (Light Industrial Zone). APN: 665-030-039 & 040.

Rebecca Deming, Community Development Director, presented the staff report and responded to questions.

Chris Brizuela, representing the applicant, provided his testimony.

Martin Carreon, resident, provided his testimony.

Chris Brizuela, representing the applicant, provided his rebuttal.

Chairman Buchanan closed the Public Hearing.

Action: Nindel moved to approve staff recommendation, motion seconded by Duffle, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
Passed NOES: 0 - (None)

7. Conditional Use Permit no. 05-19; A request to operate a cannabis storefront retail establishment with incidental cultivation (up to 99 mature plants) and light manufacturing within an existing two-story retail commercial building located at 11940 Palm Drive in the C-G (General Commercial) Zone (APN 639-293-029). Request submitted by Stephanie Bodde and Desert Hot Springs Dispensary.

Rebecca Deming, Community Development Director

Recommendation: 1) Receive Staff Report;
2) Allow Questions of Staff from Planning Commission;
3) Open the Public Hearing;
4) Take Testimony from Applicant;
5) Take Public Testimony;
6) Allow opportunity for Applicant Rebuttal;
7) Close the Public Hearing
8) Conduct Planning Commission discussion and questions to Staff; and
9) Consider a motion that the Planning Commission approve Conditional Use Permit No. 05-19 to operate a cannabis retail storefront establishment with incidental cultivation (up to 99 mature plants) and light manufacturing, subject to conditions, located in an existing two-story commercial building, located at 11940 Palm Drive.

The Commission took a 10-minute recess.

Commissioner Griffiths recused due to a potential conflict of interest.

Scott Taschner, Senior Planner, presented the staff report and responded to questions.

Jennifer Mizrahi, City Attorney, responded to Commissioners' concerns regarding the number of dispensaries allowed in the City.

Stephanie Bodde, applicant, provided her testimony.

There was no public testimony.

Chairman Buchanan closed the Public Hearing.

Rebecca Deming, Community Development Director, responded to concerns regarding security of the building.

Action: Nindel moved to approve staff recommendation, motion seconded by Duffle, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Buchanan, Nindel, Duffle, Aragon
Passed NOES: 0 - (None)
RECUSED: 1 – Griffiths

8. **Toba Day Spa Conditional Use Permit No. 07-18 to construct and operate a ground-floor day spa with hot mineral waters on 0.18 acres, including treatment rooms, steam rooms, and saunas, with a second story post-and-beam open roof structure and four upper-level soaking tubs, located on Ocotillo Road, between 8th Street and 12th Street in the Visitor-Serving Zone.**

Rebecca Deming, Community Development Director

Recommendation: 1) Staff Report;
2) Entertain Questions of Staff from Planning Commission;
3) Open the Public Hearing;

- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) A recommendation from staff for approval of Conditional Use Permit No. 07-18 to construct and operate a ground-level day spa on a 0.18-acre lot, consisting of four treatment rooms, lockers, steam rooms, and saunas with an open post-and-beam rooftop structure and upper-level soaking tubs.

Rebecca Deming, Community Development Director, presented the staff report and responded to questions.

Chairman Buchanan opened the Public Hearing.

Jacqueline Brad, applicant, provided her testimony.

Martin Carreon, resident, provided his testimony.

Jacqueline Brad, applicant, provided her rebuttal.

Chairman Buchanan closed the Public Hearing.

Action: Nindel moved to approve staff recommendation, motion seconded by Aragon, motion carried 3/2 by the following vote:

Vote: AYES: 3 - Nindel, Aragon, Griffiths
Passed NOES: 2 - Buchanan, Duffle

9. Conditional Use Permit No. 02-19. A proposed cell tower within a commercial property located at 22755 Palm Drive. Applicant: J5 Infrastructure Partners, LLC (AT&T)

Community Development Director, Rebecca Deming

Recommendation:

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Public Hearing to remain open;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Recommendation from staff to (1) continue the item to a date certain of November 12, 2019 or (2) to a date uncertain to allow additional time for staff to work with the applicant before the next public hearing.

Patricia Villagomez, Planning Technician, presented the staff report and responded to questions.

Chairman Buchanan opened the Public Hearing.

Martin Carreon, resident, provided his testimony.

Chairman Buchanan closed the Public Hearing.

Action: Duffle moved to approve staff recommendation to continue the item to a date uncertain (which will require staff to re-notice the project once all requested materials have been submitted), motion seconded by Griffiths, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
Passed NOES: 0 - (None)

10. 2013-2021 Housing Element Update and Negative Declaration

Rebecca Deming, Community Development Director

Recommendation: 1) Staff Report;
2) Entertain Questions of Staff from Planning Commission;
3) Open the Public Hearing;
5) Take Public Testimony;
7) Close the Public Hearing;
8) Planning Commission discussion and questions to Staff;
and
9) The Planning Commission recommend to the City Council approval of the CEQA Negative Declaration and 2013-2021 Housing Element Update

The Commission took a 10-minute recess.

Jose Rodriguez, MIG representative, provided a PowerPoint presentation and responded to questions.

Chairman Buchanan opened the Public Hearing.

Elena Castillo, Inland Counties Legal Services representative, provided her testimony.

Martin Carreon, resident, provided his testimony.

Chairman Buchanan closed the Public Hearing.

Action: Duffle moved to approve staff recommendation, motion seconded by Nindel, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
Passed NOES: 0 - (None)

11. An Ordinance of the City Council of the City of Desert Hot Springs, Amending Chapter 17.108 (Home Occupancy Permits) of Title 17 (Zoning) of the Desert Hot Springs Municipal Code to Adopt Regulations for Microenterprise Home Kitchen Operation

Rebecca Deming, Community Development Director

Recommendation: 1) Staff Report;
2) Entertain Questions of Staff from Planning Commission;
3) Open the Public Hearing;
4) Take Public Testimony;
5) Close the Public Hearing;
6) Planning Commission discussion and questions to Staff;
and
7) The Planning Commission recommend to the City Council approval of an Ordinance of the City Council of the City of Desert Hot Springs, amending Chapter 17.108 (Home Occupancy Permits) of Title 17 (Zoning) of the Desert Hot Springs Municipal Code to adopt regulations for Microenterprise Home Kitchen Operations.

Rebecca Deming, Community Development Director, presented the staff report and responded to questions.

Chairman Buchanan opened the Public Hearing.

Lynn Huffman, resident, provided his testimony.

Martin Carreon, resident, provided his testimony.

Rebecca Deming, Community Development Director, provided her responded to questions.

Lynn Huffman, resident, provided his testimony.

Martin Carreon, resident, provided his testimony.

Chairman Buchanan closed the Public Hearing.

Action: Duffle moved to approve staff recommendation, motion seconded by Griffiths, motion carried 5/0 by the following vote:

<u>Vote:</u>	AYES: 5 - Buchanan, Nindel, Duffle, Aragon, Griffiths
Passed	NOES: 0 - (None)

CHAIR AND PLANNING COMMISSION MEMBER REPORTS

Chairman Buchanan welcomed the new commissioners.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

Rebecca Deming welcomed the new commissioners.

PUBLIC COMMENTS

There were no comments.

ADJOURN REGULAR MEETING

Chairman Buchanan adjourned the meeting at 9:02 P.M.

Emily Pearson
Planning Commission Secretary

DRAFT